

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

632 METACOM, INC. d/b/a HOMETOWN TAVERN, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

CERTAIN UNDERWRITERS AT LLOYD'S, LONDON SUBSCRIBING TO POLICY NO. XSZ146282,

Defendants.

No. 1:20-cv-03905-RA

ORAL ARGUMENT REQUESTED

NOTICE OF MOTION TO DISMISS THE COMPLAINT

PLEASE TAKE NOTICE that upon the Memorandum of Law dated July 28th, 2020, the exhibits annexed thereto, and all other papers and proceedings in this action, Defendants, Certain Underwriters at Lloyd's, London Subscribing to Policy No. XSZ146282 ("Underwriters"), by their undersigned counsel, shall move before the United States District Court for the Southern District of New York for an Order to dismiss Plaintiff 632 Metacom, Inc. d/b/a Hometown Tavern's ("Plaintiff") Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6), for failure to state a claim upon which relief can be granted. Underwriters respectfully request the dismissal of Plaintiff's Complaint with Prejudice.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Rule 6.1 (b), answering papers shall be served within fourteen days after service of the moving papers.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Rule 6.1 (b), reply papers, if any, shall be served within seven days after service of the answering papers.

Dated: New York, New York
July 28, 2020

Peter J. Fazio

BY: Peter J. Fazio, Esq.
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TO: All Parties VIA ECF

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of July, 2020, the foregoing Notice of Motion to Dismiss was electronically filed with the Clerk of Court, United States District Court for the Southern District of New York and said Notice of Motion shall be deemed served by electronic notification of the Court's CM/ECF system as copy was served via e-mail upon the following:

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